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Letter dated 24 February 2004 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement by the Irish Presidency on behalf of the European Union of 27 January 2004 on proposals for constitutional change in Ukraine, which was distributed on 19 February 2004 as a document of the Security Council (S/2004/110).

The Ukrainian side has thoroughly examined that statement. The European Union position has been noted and taken into account by the Government of Ukraine. The issues raised in the statement are discussed within the existing formats of political dialogue with the European Union and other interested international partners in the spirit of openness and transparency on the part of Ukraine, therefore the circulation by the Irish Presidency of the statement as a document of the Security Council cannot but be surprising.

The Ukrainian side reiterates its commitment to the European course, European values, and the international obligations undertaken. The President and the Government stand for strict adherence to the Constitution, the legislation of Ukraine, and the European norms and standards during the constitutional reform process and during the preparation for and the conduct of future Presidential elections.

Particular attention is paid by the Government of Ukraine to the holding of free and fair Presidential elections and the creation of equal opportunities for all candidates during the Presidential campaign. The utmost efforts will be made to ensure the constitutional rights of the citizens of Ukraine, in particular the right to assembly and to freedom of speech etc.

The Constitution of Ukraine has clearly established the procedure of amending the Fundamental Law, as well as the ways of appealing possible procedural violations. The Verkhovna Rada (Parliament) of Ukraine is the supreme body, empowered by the Constitution of Ukraine to adopt decisions on amendments to the Fundamental Law.

Proposals on transition to a parliamentary-presidential form of State governance have many times been put forward by representatives of various political forces in Ukraine. People's deputies of the parliamentary opposition submitted a relevant draft law to the Verkhovna Rada of Ukraine of the previous convocation. By submitting to the Verkhovna Rada of Ukraine in March 2003 the

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draft law on amendments to the Constitution of Ukraine, the President of Ukraine furthered the realization by legal means of the ideas of political reform that were expressed both during the electoral campaign in 2002 and before by all political forces which are now represented in the Parliament.

The holding on 3 February 2004 of an extraordinary session of the Verkhovna Rada, where changes to the resolution of the Verkhovna Rada of Ukraine on "Preliminary adoption of draft law on the introduction of amendments to the Constitution of Ukraine (No. 4105)" were adopted by the representatives of the parliamentary majority and opposition, testified to the search for and the finding of compromise decisions. That resolution was supported by the constitutional majority of the Ukrainian Parliament, namely by 304 people's deputies of Ukraine — representatives of 10 out of 12 political factions and groups, including two from the opposition.

The above-mentioned amendments reflect the main proposals of the opposition political forces. In particular, the norms stipulating the election of the President of Ukraine by the Verkhovna Rada and setting a 10-year term of office for judges were taken out of draft law 4105, and the provisions of the effective Constitution of Ukraine regarding direct election of the President of Ukraine and the permanent tenure of judges were left in force.

That decision also took into account the recommendation of the Venice Commission regarding non-limitation of the term of office for judges as well as relevant recommendations contained in resolution 1364 (2004) of 29 January 2004 of the Parliamentary Assembly of the Council of Europe.

The adoption of that decision contributed to the breaking of the stalemate in the work of the Verkhovna Rada and to finding further compromises between the political forces in the Parliament. As a result of achieving mutual understanding, on 18 February 2004 the leaders of 10 factions and groups of the Parliament signed an agreement on the realization of political reform, which takes into account the interests of the majority as well as opposition factions, who support the very idea of the reform.

Similarly, on the basis of consideration of the positions of various political forces, including the opposition, on 19 February 2004 the Verkhovna Rada of Ukraine formed a new composition of the Central Electoral Commission, which was another matter of concern for the European Union.

Thus, recent months have convincingly proved the ability of Ukraine to settle the issues of internal development on the basis of the high standards of a democratic State based on the rule of law. Obviously, Constitutional reform is a domestic political issue but, in the process of its implementation, where it is in line with Ukrainian realities, the proposals of the European Union, the Council of Europe, and the Venice Commission are taken into account. Ukraine is interested in further active utilization of the existing formats of political dialogue with the European Union in order to exchange views on progress in the implementation of the constitutional reform, and the preparation for and conduct of the Presidential elections in Ukraine.

Respecting the opinion of the European Union, I would like to recall that the issues related to the implementation of constitutional reform in Ukraine are internal matters of our country.

I should be grateful if the text of the present letter could be circulated as a document of the Security Council.

(*Signed*) Valeriy **Kuchynsky**
Ambassador
Permanent Representative